

#23

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6-25-02

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Practice Restricted to Intellectual Property Law

Scott Pundsack B.Ap.Sc. (Civ. Eng.), LL.B.
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Your Reference: 09/425,234
Our Reference: 4320-91

Application
Serial No.: 09/425,234
Filing Date: October 25, 1999

RESPONSE

Title: MAINTENANCE CLEANING
FOR MEMBRANES

Examiner: R. Popovics
Art Unit: 1723
Reference: 4320-91
Date: June 18, 2002

The Commissioner of Patents & Trademarks
Washington, D.C.
U.S.A. 20231

TECHNOLOGY CENTER 1700

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RESPONSE

Dear Sir:

This is further in response to the communication from the Examiner dated May 20, 2002 and supplements the Applicant's previous response dated June 7, 2002.

Filed under cover of the transmittal form for this response are:

please send your reply to

Meadowvale Corporate Centre, 2000 Argentia Road
Plaza 4, Suite 430, Mississauga, Ontario, Canada L5N 1W1
t: 905 812 3600 f: 905 814 0031

Scotia Plaza, 40 King Street West, 40th Floor
Toronto, Ontario, Canada M5H 3Y2
t: 416 364 7311 f: 416 361 1398

www.bereskinparr.com

1. A Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent made in relation to U.S. Patent No. 6,303,035 which issued on October 16, 2001; and
2. A Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application made in relation to copending application number 09/916,247 filed on July 30, 2001. Application 09/916,247 is a continuation of the present application (09/425,234) and 09/425,235 and 09/425,236. The Applicants will be amending the claims currently pending in 09/916,247 but submit that the Terminal Disclaimer removes any potential double patenting objection.

The Applicants submit that the application is in condition for allowance.

Respectfully submitted,

By: Scott Pundsack

Scott Pundsack

Registration No. 47,330

(416) 957-1698

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FEE TRANSMITTAL

for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 220.00)

Complete if Known	
Application Number	09/425,234
Filing Date	October 25, 1999
First Named Inventor	RABIE, Hamid
Examiner Name	POPOVICS, R.
Group Art Unit	1723
Attorney Docket No.	4320-91

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METHOD OF PAYMENT (check all that apply)

- Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number **022095**
 Deposit Account Name **Bereskin & Parr**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 0.00)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

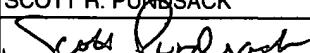
	Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	<input type="text"/> X <input type="text"/> = <input type="text"/> 0.00	
Independent Claims	<input type="text"/>	<input type="text"/> X <input type="text"/> = <input type="text"/> 0.00	
Multiple Dependent		<input type="text"/> = <input type="text"/>	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES			
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer (2)			220.00
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 220.00)

SUBMITTED BY

Name (Print/Type)	SCOTT R. PUNDACK	Registration No. (Attorney/Agent)	47,330	Telephone	(416) 364-7311
Signature		Date	June 18, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/425,234
Filing Date	October 25, 1999
First Named Inventor	RABIE, Hamid
Group Art Unit	1723
Examiner Name	POPOVICS, R.
Total Number of Pages in This Submission	Attorney Docket Number 4320-91

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer (2)	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BERESKIN & PARR , Y7,330	SCOTT PUNDACK
Signature		
Date	June 18, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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Signature	
	Date

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